

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
APRIL 25, 2006
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Presi Ortega, Jr., Steve Ortega, and Beto O'Rourke. Absent: None. Late arrivals: Jose Alexandro Lozano and Eddie Holguin, Jr. at 8:35 a.m. and Melina Castro at 8:58 a.m. Early departure: Presi Ortega, Jr. at 11:32 a.m. The invocation was given by Police and Fire Chaplain Sam Faraone, followed by the Pledge of Allegiance to the Flag of the United States of America.

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MAYOR'S PROCLAMATIONS

1. **REBUILDING TOGETHER WITH CHRISTMAS IN APRIL - EL PASO, INC.**
Ms. Ana Gil commented.
2. **DIA DE LOS NINOS/DIA DE LOS LIBROS**
Mayor Cook commented.
3. **CLUB DE ESPAÑA WEEK**
Ms. Virginia Miller commented.
4. **ADDITION TO THE AGENDA – AGUILAR FAMILY FAREWELL**
Mr. Brian Kennedy commented.

RECOGNITION

Ms. Joyce Wilson introduced the following City employees recognized in the third quarter:

1. Edmundo Vega – 25 years
2. Raymond Murillo – 25 years
3. Barbara Angus – 25 years
4. Robert Enriquez – 25 years
5. Angie Guzman – 25 years
6. Jose Maese – 25 years
7. Susana Melano – 25 years
8. Rosa Crandall – 30 years
9. Omar Carrasco – 30 years
10. Danny Escontrias – 30 years
11. Irene Hernandez – 30 years
12. Ernesto Marquez – 30 years
13. Raymond Lopez – 30 years

Mayor Cook commented.

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

1. Mr. Richard Schechter commented on the Downtown Development Plan.
Ms. Joyce Wilson, City Manager, commented.

2. Mr. Arthur Ward commented on El Paso Public libraries.
Representatives Steve Ortega and Presi Ortega, Jr. commented.

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Motion made by Representative Steve Ortega, seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **RECESS** the City Council meeting until 9:00 a.m.

Representative Presi Ortega, Jr. was not present for the vote.

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Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council meeting at 9:00 a.m.

Representative Steve Ortega was not present for the vote.

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Motion made by Representative Presi Ortega, Jr., seconded by Mayor Pro Tempore O'Rourke, and unanimously carried to **RECESS** the City Council meeting at 9:39 a.m. for the Mass Transit Department Board Meeting.

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Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **RECONVENE** the City Council meeting from the Mass Transit Department Board Meeting at 9:55 a.m.

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Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Presi Ortega, Jr., and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NOT PRESENT FOR THE VOTE: Representative Castro

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*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of April 18, 2006, and Special City Council Meeting Minutes of April 17, 2006.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Good Time Stores, Inc. ("Assignor"), and Good Time Enterprise, LLC ("Assignee") for the following described property:

The east 52.03 feet of Lot 14 and all of Lot 15, Block 5, El Paso International Airport Tracts, Replat of Unit 3, City of El Paso, El Paso County, Texas, municipally known and numbered as 6631 Montana Avenue, El Paso, Texas.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a contract amendment to contract (2003-118) with AmeriNational Community Services, Inc. to provide Delinquency and Default Management Services at an additional cost of \$1.58 per loan for loans serviced.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Council passed resolution dated September 23, 2003 wherein it set forth standards regarding loan restructuring, loan foreclosure, and declaring certain loans uncollectible; and

WHEREAS, Council therein authorized a single restructuring agreement of up to five years for any delinquent account when the borrower paid a certain percentage of the delinquency as down payment; and

WHEREAS, The City's servicing contract with AmeriNational requires payment of certain fees associated with the preparation of such loan restructuring agreements; and

WHEREAS, the City incurs costs when non-judicial foreclosure proceedings are commenced by outside counsel as a result of borrower inaction following City requests for payment of delinquency; and

WHEREAS, Council has determined that the City should not be required to bear such costs associated with restructuring agreements and that such costs are more properly borne by the borrower that created the delinquency.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the City Council of the City of El Paso hereby adopts Exhibit "A", entitled Community Development Loan Authorization, providing authorization to the City Attorney's Office and the Department of Community and Human Development, in connection with (1) Loan Restructuring in Lieu of Foreclosure, (2) Loan Foreclosure/Lawsuits and (3) Declaring Loans Uncollectible; and that the City Manager and Director of Community and Human Development be authorized to take any and all consistent action necessary to remedy such delinquencies.
2. That this resolution supersede Council resolution dated September 23, 2003.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the re-alignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue).

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO ("Buyer") and ROBERTO CASTOR, JR. and ROSA V. CASTOR ("Sellers") and any other documentation necessary to consummate the acquisition of the following described legal property:

A parcel of land described as Lot 4, Block 7, STILES GARDEN, a replat of Lots 26 and 27, an addition to the City of El Paso, El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 14, Page 29 of the Real Property records of El Paso County, Texas, for the purchase price of FIFTY-FIVE THOUSAND AND NO/100THS DOLLARS (\$55,000.00) to be used for the Hawkins Extension Project.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Ruby Coates Park, Lot 2, Block 1, Whitfield Subdivision Unit 2, El Paso, El Paso County, Texas to provide electrical service to 340 Coates Drive.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Tract 1&1B, S.J. Larkin Survey #264, El Paso, El Paso County, Texas to provide electrical service to 7400 High Ridge Drive (Westside Community Park).

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Memorandum of Understanding by and between the City of El Paso, Town of Anthony, and Village of Vinton, Texas, and City of Sunland Park, and Doña Ana County, New Mexico, to establish a steering collaborative effort to explore and formulate with the ultimate aim of arriving at a regional solid waste disposal site for the Southern Doña Ana-West El Paso Region.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DANIEL HERNANDEZ, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lots 15 and 16, Block 42, Highland Park Subdivision, City of El Paso, El Paso County, Texas, Parcel #H453-999-0420-7100,

to be TWO HUNDRED THIRTY-TWO AND 74/100 DOLLARS (\$232.74) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 29th day of March 2005, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED THIRTY-TWO AND 74/100 DOLLARS (\$232.74) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

3. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DAVID E. TREJO, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3919 Lincoln, City of El Paso, El Paso County, Texas, more particularly described as Lots 9 and 10 (5880 SQ FT), Block 122, Morningside Heights Subdivision, Parcel #M794-999-1220-3300,

to be ONE HUNDRED NINETY-SEVEN AND 56/100 DOLLARS (\$197.56) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 14th day of July 2005, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED NINETY-SEVEN AND 56/100 DOLLARS (\$197.56) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, DAN WATLING AND ELLEN NIGHTINGALE, owners of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

10729 Jadestone Street, City of El Paso, El Paso County, Texas, more particularly described as Lot 31, Block 1, Shearman #2 Subdivision, Parcel #S363-999-0010-6100,

to be ONE HUNDRED EIGHTY-NINE AND 44/100 DOLLARS (\$189.44) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 19th day of July 2005, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount ONE HUNDRED EIGHTY-NINE AND 44/100 DOLLARS (\$189.44) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, LEOPOLDO MARQUEZ AND MARIA MARQUEZ, owners of the hereinafter described property, were given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

421 Kyle Street, City of El Paso, El Paso County, Texas, more particularly described as Lot 3, Block 2, Kyle Subdivision, Parcel #K982-999-0020-1300,

to be THREE HUNDRED THIRTY-TWO AND 87/100 DOLLARS (\$332.87) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 26th day of July 2005, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED THIRTY-TWO AND 87/100 DOLLARS (\$332.87) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ADALBERTO M. AND DEBORA L. NAVAR, owners of the hereinafter described property, were given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owners failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lot 2 and WLY PT of Lot 3 (4688.73 SQ FT), Block 1, Vineyard Estates
Subdivision, City of El Paso, El Paso County, Texas, Parcel #V856-999-0010-0350,

to be FOUR HUNDRED SIXTEEN AND 76/100 DOLLARS (\$416.76) as reported by the Director of Solid Waste Management. The City Council finds that the work was performed on the 8th day of June 2005, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED SIXTEEN AND 76/100 DOLLARS (\$416.76) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter being ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

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*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Bejarano, Jose – Firefighter
- B. Perez, Jose Luis – Coach Operator
- C. Zacarias, Mario – Recreation Leader II
- D. Lopez, Leticia – Public Safety Communicator
- E. Ruiz, Monica – Cashier Clerk

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*Motion made, seconded, and unanimously carried to **APPOINT** Linda Ball Thomas as Human Resources Director, effective April 25, 2006.

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*Motion made, seconded, and unanimously carried to **RE-APPOINT** Frederic P. Dalbin to the Brownfields Redevelopment Board by Representative Melina Castro, District 4.

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*Motion made, seconded, and unanimously carried to **APPOINT** David D. Kelley to the Art Museum Advisory Board by Representative Ann Morgan Lilly, District 1.

Representative Steve Ortega commented.

Ms. Lisa Turner, citizen, commented.

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*Motion made, seconded, and unanimously carried to **APPOINT** Ted R. Reed, Jr. to the Building Board of Appeals as a regular member of the Home Builder category by Mayor Pro Tempore Beto O'Rourke, District 8.

*Motion made, seconded, and unanimously carried to **APPOINT** Arturo Q. Duran to the Zoning Board of Adjustments by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded, and unanimously carried to **APPOINT** Homer Reza to the City Plan Commission by Representative Jose Alexandro Lozano, District 3.

*Motion made, seconded, and unanimously carried to **APPOINT** Cesar Martinez to Art Museum Advisory Board by Representative Steve Ortega, District 7.

*Motion made, seconded, and unanimously carried to **APPOINT** Rodney Jackson to the Committee on Border Relations by Representative Melina Castro, District 4.

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Director of the Financial Services Department be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from April 24, 2007, to April 24, 2009, pursuant to the provisions of Contract 2004-102-C1 & C2 with Main Auto Parts (C1), El Paso Texas, and Border International Trucks (2), El Paso, Texas, for Suspension and Steering Systems and Related Products.

Option No.: ONE [OF ONE]
Amount of Award: \$80,000.00 (total for two-year extension)
(\$40,000.00 per vendor for two-year extension)
Account No's: 37370510-503121-45202
Funding Source: Fleet Service Internal Service Fund
Department: General Services-Fleet Division

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Director of the Financial Services Department be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from April 24, 2007, to April 24, 2009, pursuant to the provisions of Contract 2004-107 with MHC Kenworth/Sterling/Ford, El Paso Texas, for Cummins Proprietary Parts and Service.

Option No.: ONE [OF ONE]
Amount of Award: \$80,000.00 (total for two-year extension)
Account No's: 37370510-503121-45202
Funding Source: Fleet Service Internal Service Fund
Department: General Services-Fleet Division

*Motion made, seconded, and unanimously carried to **APPROVE** the request that the Director of the Financial Services Department be authorized to exercise the City's option to extend the term of the agreement for two (2) additional years, from April 24, 2007, to April 24, 2009, pursuant to the provisions of Contract 2004-108 with G.O.T. Supply, Inc, El Paso, Texas, for Heil Proprietary Parts.

Option No.: ONE [OF ONE]
Amount of Award: \$100,000.00 (total for two-year extension)
Account No's: 37370510-503121-45202
Funding Source: Fleet Service Internal Service Fund
Department: General Services-Fleet Division

1st MOTION

*Motion made, seconded, and unanimously carried to **MOVE TO THE REGULAR AGENDA:**

2nd AND FINAL MOTION

Motion made by Mayor Pro Tempore O'Rourke, seconded Representative Byrd, and unanimously carried to **APPROVE** the request that the Chief Financial Officer, Financial Services, be authorized to issue a Purchase

Order to eCivis, the creator and sole provider of Grants Locator software. Contract term of twelve (12) months and two (2) additional years of maintenance and upgrades. Term April 29, 2006, through April 28, 2007.

Additionally, it is requested that the City Attorney's Office review and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

Funds Available: 39010351-01101-502402
Funding Source: Operating Account, Computer Related Leases
Award amount: \$30,000.00 Est. Annually
Department: Information Services

Mayor Cook and Representatives O'Rourke, Steve Ortega, Presi Ortega,Jr. and Byrd commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, presented a PowerPoint presentation (on file in the City Clerk's office).
- 3. Mr. David Almonte, Office of Management and Budget, commented.

AYES: Representatives Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Lozano

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*Motion made, seconded, and unanimously carried to **APPROVE** budget transfer BT2006-670 FLEET

Equipment Replacement Fund Committee approved to use proceed of sales to replace the following vehicles with high mileage and operating costs: Police Units 21-4118, 21-4139, 21-9703, 94002; Fire Unit 22-8028; Streets Unit 97159; BM Unit 31-7000; and Library Unit 97122.

Increase \$120,941.54 to Proceed Sales – Equipment Replacement Fund
Increase \$120,941.54 to Vehicles – Equipment Replacement Fund

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*Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Lozano was not present for the vote.

- A.** An Ordinance to repeal Ordinances 7573, 10118, and 11469 for the purpose of abolishing the Mayor's Advisory Board on Aging. **(All Districts)** [Community and Human Development, Winifred Dowling, (915) 541-4375]

Mayor Cook and Representative Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

- B.** An Ordinance amending Title 18 (Building and Construction), Chapter 18.60 (Flood Damage Prevention) of the El Paso City Code to revise the Chapter in its entirety to comply with changes in the Federal regulations and to clarify department responsibilities. The penalty being as provided in Sections 1.08.010 - 1.08.030 of the City Code. **(All Districts)** [Development Services, R. Alan Shubert, (915) 541-4557]

- C.** An Ordinance granting a Special Privilege to O.P.E.P. Incorporated to temporarily close a portion of Ochoa Street between First Avenue and Paisano Drive for various block parties on the following dates: May 28, 2006; June 25, 2006; July 2, 2006; September 3, 2006; and October 31, 2006. Fee: \$687.50, SP-06004. **(District 8)** [Development Services/Planning, Esther Guerrero, (915) 541-4720]

- D. An ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) of the El Paso City code to add a new location on Lionel Drive from Wilkinson Drive to a point 100' north thereof and on Allen Bradley Drive from Wilkinson Drive to a point 100' south thereof. The penalty being as provided in Section 12.84.010 of the El Paso City Code. **(District 7)** [Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

PUBLIC HEARING WILL BE HELD ON MAY 9, 2006, FOR ITEMS A - D

- E. An Ordinance changing the zoning of Tracts 3B and 3D, S.J. Larkin Survey No. 264, El Paso, El Paso County, Texas, from R-3 (Residential) to A-O (Apartment/Office), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: Redd Road near Chiricauhua Drive. Applicant: MA Homes, LLC. ZON06-00030 **(District 1)** [Development Services/Planning, Christina Valles, (915) 541-4930]
- F. An Ordinance changing the zoning of Parcel 1: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-4 (Commercial), and imposing conditions; Parcel 2: A portion of Tract 3A, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential), and imposing a condition; and Parcel 3: A portion of Tract 3A-1, Section 21, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-5 (Residential), and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 11900 block of Dyer St. Applicant: Ranchos Real IV, LTD. ZON05-00157 **(District 4)** [Development Services/Planning, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON MAY 16, 2006, FOR ITEMS E – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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NO ACTION WAS TAKEN on the following item:

Discussion and action on the eminent domain process, cost of acquisition, remodeling cost and future plans for the Fall mansion, "what are we, (the city) going to do with this property?"

Representatives Steve Ortega, Holguin, Lozano, Presi Ortega, Jr., O'Rourke, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Mr. Larry Nichols, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).
3. Mr. Charlie McNabb, City Attorney
4. Mr. Tom Maguire, Building Services

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Mr. John Karr to speak.

Mr. John Karr, citizen, commented.

.....
NO ACTION WAS TAKEN on the following item:

Discussion and action on proposed text revisions to the El Paso Municipal Code as recommended by the Building & Zoning Advisory Committee and staff regarding the City's Historic Preservation Program: (1) Title 2 (Administration & Personnel), Chapter 2.24 (Historic Landmark Commission) outlining functions of the Historic Landmark Commission and the Historic Preservation Office; (2) Title 3 (Revenue & Finance), Chapter 3.04 (Property Taxes) authorizing a City Preservation Tax Exemption for Historically Significant Sites under certain circumstances; and (3) Title 20 (Zoning), Chapter 20.67 (Historic Preservation Program) outlining the application procedures for designation of historic properties and the process for making alterations, demolition and removal of such historic properties.

Representatives Byrd, O'Rourke, and Lilly commented.

The following City staff members commented:

1. Ms. Pat Adauto, Deputy City Manager, Development and Infrastructure Services, presented a PowerPoint presentation (on file in the City Clerk's office).
2. Mr. Alan Shubert, Development Services

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and carried to **AWARD** Bid Solicitation No. 2006-086 City Wide Street Resurfacing 2006

Location:	City Wide
Contractor:	Allied Paving Company, El Paso, Texas
Department:	Street Department
Funds Available:	14200403 - PBE04ST132 - PCP06ST011 - 29147 - 27263 - 508027
Funding Source:	2004 Bond Election and FY06 C.O's.
Items:	Base Bid \$ 3,794,547.20
	Alternate 1 \$ 164,000.00
Total Award:	\$ 3,958,547.20
Estimated Completion Date:	November, 2006
Districts:	City Wide

RECOMMENDATION:

The Street Department recommends the award of this contract to Allied Paving Company, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Mayor Cook and Representative Castro commented.

Ms. Irene Ramirez, Engineering Department, commented.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke

ABSTAIN: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2006-076 EPIA Butterfield Trail Golf Course Club House & Maintenance Facilities

Location: 1000 George Perry Dr., El Paso, Texas 79925
Contractor: Arrow Building Corporation
El Paso, Texas
Department: El Paso International Airport
Funds Available: 62620026-PAP0023-41063-508027
Funding Source: EPIA Enterprise Funds
Items: Base Bid \$3,263,000.00
Alternate 1 \$ 40,000.00
Alternate 2 \$ 116,000.00
Alternate 3 \$ 19,000.00
Alternate 4 \$ 42,000.00
Alternate 5 \$ 19,000.00
Alternate 6 \$ 12,000.00
Alternate 7 \$ 39,000.00
Alternate 8 \$ 7,000.00
Total Award \$3,557,000.00
Estimated Completion Date: April, 2006
District(s): 2

RECOMMENDATION:

The Departments of Engineering and El Paso International Airport recommend the award of this contract to Arrow Building Corporation, as this Offeror has provided the Best Value Proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract for this award.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Mayor Cook and Representative Presi Ortega, Jr. commented.

The following members of City staff commented:

- 1. Ms. Irene Ramirez, Engineering Department
- 2. Mr. Pat Abeln, Director of Airport

ORDINANCE 16333

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF THE SOUTH 78 FEET OF TRACT 10, CORONADO PLACE, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representative Lozano commented.

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Lozano, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Byrd

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16334

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO ZON06-00023, TO ALLOW REDUCED SETBACKS ON A PORTION OF LOT 31 AND 32, BLOCK 7, EAST EL PASO ADDITION, EL PASO, EL PASO COUNTY, TEXAS FOR INFILL DEVELOPMENT. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Representatives Byrd and Holguin commented.

Mr. Rudy Valdez, Development Services, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER:

ORDINANCE 16335

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW-AWAY ZONE), SUBSECTION (A), OF THE EL PASO CITY CODE, BY ADDING A NEW LOCATION ON FULLAN STREET FROM ALAMEDA AVENUE (SH 20) SOUTH TO ITS TERMINUS, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.180 OF THE EL PASO CITY CODE.**

ORDINANCE 16336

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE TO DELETE FULLAN STREET FROM ALAMEDA AVENUE SOUTH ON THE EAST SIDE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Representative Lozano commented.

Ms. Irene Ramirez, Engineering Department, commented.

Motion duly made by Representative Lozano, seconded by Representative Steve Ortega, that the Ordinances be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinances which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16337

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.060 (SCHEDULE VI-PARKING TIME LIMITED ON CERTAIN STREETS), OF THE EL PASO CITY CODE, TO ADD SUBPARAGRAPH "F" TO IDENTIFY THE PARKING TIME LIMIT TO THIRTY MINUTES BETWEEN 7:00 A.M. AND 4:00 P.M., SCHOOL DAYS ONLY, ON DUNOON DRIVE FROM MCRAE BOULEVARD TO A POINT 635 FEET WEST THEREOF, NORTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Ms. Irene Ramirez, Engineering Department, commented.

Motion duly made by Representative Lozano, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER:

ORDINANCE 16338

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.060 (SCHEDULE VI- PARKING TIME LIMITED ON CERTAIN STREETS), OF THE EL PASO CITY CODE TO AMEND PARAGRAPH "A" TO IDENTIFY THE PARKING TIME LIMIT TO TWO HOURS BETWEEN 8:00 A.M. AND 6:00 P.M., EXCEPT SUNDAYS AND LEGAL HOLIDAYS), ON LAFAYETTE AVENUE FROM ALAMEDA AVENUE TO A POINT 213 FEET NORTHEAST; ON THE WESTSIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

ORDINANCE 16339

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE EL PASO CITY CODE, TO DELETE THE WEST SIDE OF LAFAYETTE DRIVE BETWEEN THE SOUTHERN PACIFIC TRACKS AND ALAMEDA AVENUE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Ms. Irene Ramirez, Engineering Department, commented.

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16340

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTION ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO CITY CODE, TO DELETE ZONE L: NO PARKING ANY TIME ON IDENTIFIED PORTIONS OF PACIFIC DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION- -PENALTY) OF THE EL PASO CITY CODE.**

Mayor Pro Tempore O'Rourke commented.

Irene Ramirez, Engineering Department, commented.

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16341

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES) SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO CITY CODE, TO AMEND ZONE N: TO INCLUDE NO PARKING ANYTIME ON LUNA STREET FROM FRUTAS AVENUE TO THE ALLEY NORTH THEREOF AND FROM FRUTAS AVENUE FROM THE PROPERTY LINE BETWEEN 3325 AND 3331 FRUTAS AVENUE TO THE PROPERTY LINE BETWEEN 3401 AND 3403 FRUTAS AVENUE. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION --PENALTY) OF THE EL PASO CITY CODE.**

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER:

ORDINANCE 16342

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "K" (SPEED LIMITS ON INTERSTATE HIGHWAY 10 THE FREEWAY AND FRONTAGE ROADS) OF THE EL PASO CITY CODE, TO DELETE THE SECTION ON GATEWAY NORTH BOULEVARD FROM A POINT 0.728 MILES EAST ON MCCOMBS STREET TO THE CITY LIMITS AND THE SECTION ON GATEWAY SOUTH BOULEVARD FROM THE CITY LIMITS TO A POINT 0.728 EAST OF MCCOMBS STREET. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

ORDINANCE 16343

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "R" (SPEED LIMITS ON THE NORTH-SOUTH FREEWAY, THE FREEWAY, COLLECTOR-DISTRIBUTOR ROADS AND FRONTAGE ROADS) OF THE EL PASO CITY CODE, TO ADD SIXTY-FIVE MILES PER HOUR ON GATEWAY NORTH BOULEVARD FROM A POINT 0.728 MILES EAST OF MCCOMBS STREET TO THE CITY LIMITS AND SIXTY-FIVE MILES PER HOUR ON GATEWAY SOUTH BOULEVARD FROM THE CITY LIMITS TO A POINT 0.728 EAST OF MCCOMBS STREET. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

ORDINANCE 16344

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "F" (THIRTY-FIVE MILES PER HOUR) OF THE EL PASO CITY CODE, TO DELETE SUBSECTION IDENTIFYING THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON MISSOURI AVENUE FROM CAMPBELL STREET TO PIEDRAS STREET. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

ORDINANCE 16345

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "F" (THIRTY-FIVE MILES PER HOUR) OF THE EL PASO CITY CODE, TO DELETE THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON LEE TREVINO FROM GATEWAY EAST BOULEVARD TO BURNHAM DRIVE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

ORDINANCE 16346

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "F" (THIRTY-FIVE MILES PER HOUR) OF THE EL PASO CITY CODE, TO AMEND THE SPEED LIMIT AS THIRTY-FIVE MILES PER HOUR ON LEE TREVINO FROM ROJAS DRIVE TO BURNHAM DRIVE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

ORDINANCE 16349

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIX, SPEED LIMITS), SUBSECTION "G", (FORTY MILES PER HOUR) OF THE EL PASO CITY CODE, TO AMEND SUBSECTION "G" TO IDENTIFY THE SPEED LIMIT ON YARBROUGH DRIVE, FROM BORDER HIGHWAY (LOOP 375) TO SAN PAULO AVENUE. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Ms. Irene Ramirez, Engineering Department, commented.

Motion duly made by Representative Castro, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16347

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), SUBSECTION "P" (SPEED LIMITS ON PARTS OF TEXAS AVENUE (SH 20) AND ALAMEDA AVENUE (SH 20) OF THE EL PASO CITY CODE TO AMEND THE SPEED LIMIT ON ALAMEDA AND TEXAS AVENUES. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Ms. Irene Ramirez, Engineering Department, commented.

Motion duly made by Representative Lozano, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16348

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV SPEED LIMITS), SUBSECTION "G" (FORTY MILES PER HOUR) OF THE EL PASO CITY CODE TO ADD ZARAGOZA ROAD, FROM SOCORRO ROAD TO AMERICAS AVENUE NORTH. THE PENALTY IS AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Holguin, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Holguin, Steve Ortega, and O'Rourke
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16350

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR THE ISSUANCE OF "CITY OF EL PASO, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2006" IN A PAR AMOUNT NOT TO EXCEED \$58,000,000; LEVYING A TAX IN PAYMENT THEREOF; PRESCRIBING THE FORM OF SAID BONDS; APPROVING A PURCHASE CONTRACT; APPROVING THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING THERETO.**

Representative Lozano commented.

Mr. William Studer, Deputy City Manager of Financial and Administrative Services commented.

Mr. Steven Adams, First Southwest Company, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Steve Ortega, and O'Rourke
ABSTAIN: Representative Holguin
NAYS: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16351

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING VARIOUS PRIOR ORDINANCES WHICH ESTABLISHED AND AMENDED THE ANDY AND SYD COHEN STADIUM LEASE BETWEEN THE CITY OF EL PASO AND THE CURRENT ASSIGNEE, EL PASO PROFESSIONAL BASEBALL, LP. THE ORDINANCE AUTHORIZES THE CITY MANAGER TO SIGN A LEASE AMENDMENT AGREEMENT BETWEEN THE CITY OF EL PASO AND EL PASO PROFESSIONAL BASEBALL, LP, TO INCLUDE THE FOLLOWING: ELIMINATING THE SECOND FIVE-YEAR OPTION PERIOD AND EXTENDING THE LEASE FOR A TEN-YEAR TERM; ACCEPTING A NEW SCOREBOARD AS PARTIAL CONSIDERATION AND SUBSTITUTING THE ANNUAL FLAT FEE RENTAL AMOUNT FOR THE TEN-YEAR TERM; DELETING THE AUTOMATIC RENTAL ADJUSTMENTS; ADDING REVENUE SHARING FOR REVENUES RECEIVED FROM ADVERTISING FROM THE SCOREBOARD IN EXCESS OF \$150,000 PER ANNUM UP TO \$30,000; ALLOWING FOR TRANSFER OF TITLE OF THE SCOREBOARD TO THE CITY; AND ADDING REPORTING REQUIREMENTS.**

Representatives Castro, O'Rourke, Lozano, Steve Ortega, and Lilly commented.

Mr. David Pearlman, El Paso Professional Baseball, LP, commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Carmen Arrieta-Candelaria, Comptroller, presented a PowerPoint presentation (on file in the City Clerk's office).

1st Motion

Motion made by Representative Steve Ortega, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:15 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 and 551.072.

Representative Presi Ortega, Jr. was not present for the vote.

2nd Motion

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session and reconvene the meeting of the City Council at 12:31 p.m.

Representatives Lozano and Presi Ortega, Jr. were not present for the vote.

3rd Motion

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Steve Ortega, and O'Rourke
 NAYS: Representatives Castro and Holguin
 NOT PRESENT FOR THE VOTE: Representatives Lozano and Presi Ortega, Jr.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16352

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064, (THE CLASSIFICATION AND COMPENSATION PLAN) TO AMEND ALL POSITIONS WITHIN THE EXECUTIVE COMPENSATION AND THE PROFESSIONAL/MANAGERIAL COMPENSATION PLANS PURSUANT TO THE CLASSIFICATION AND COMPENSATION STUDY COMPLETED BY THE HUMAN RESOURCES DEPARTMENT.**

Mayor Cook and Representatives Steve Ortega, Holguin, and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Linda Thomas, Human Resource Director, presented a PowerPoint presentation (on file in the City Clerk's office).

Motion duly made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Steve Ortega, and O'Rourke
 NAYS: None
 NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- EX1.** The Estate of Hermalinda Levey, et. al. vs. The City of El Paso; Cause No. 2004-200 (551.071)
- EX2.** Discussion and action regarding the bankruptcy case of ASARCO, LLC, et. al., Case No. 05-21207 in the United States Bankruptcy Court, Southern District of Texas, Corpus Christi Division. (551.071)
- EX3.** Discussion and action on appeal of arbitrator's decision in AAA Case No. 71 390 00413 04 - Christopher S. Hendricks--Charles B. Overstreet, Arbitrator. (551.071)

Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 8:42 a.m. and reconvene the meeting of the City Council, during which time motions were made.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried that the City Attorney's Office be authorized to reject Plaintiff's settlement demand in the lawsuit styled *The Estate of Hermalinda Levey, et. al. v. City of El Paso*, Cause No. 2004-200.

Representative Presi Ortega, Jr. was not present for the vote

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Steve Ortega, and unanimously carried that the CITY OF EL PASO authorizes the City Attorney or any Deputy or Assistant City Attorney or Outside Counsel for the City of El Paso to execute and file a Proof of Claim and all related documentation on behalf of the City of El Paso and any of its agencies and departments in relation to *the bankruptcy case of ASARCO, LLC, et. al.*, Case No. 05-21207 in the United States Bankruptcy Court, Southern District of Texas, Corpus Christi Division.

Representative Presi Ortega, Jr. was not present for the vote.

.....
Motion made by Mayor Pro Tempore O'Rourke, seconded by Representative Byrd, and unanimously carried authorizing the City Attorney to proceed with an Appeal in the administrative case entitled *Christopher S. Hendrick*, case #713900041304, including authority to file a lawsuit as recommended by the City Attorney.

Representative Presi Ortega, Jr. was not present for the vote.

.....
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **ADJOURN** this meeting at 12:52 p.m.

Representatives Presi Ortega, Jr. and Holguin were not present for the vote.

.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk